REMARKS/ARGUMENTS

In the Final Office Action of December 3, 2009, claims 1-3 and 5-20 are rejected. On January 13, 2010, a telephone interview between the undersigned attorney and Examiner Linh Black was conducted. In the telephone interview, Examiner's Response to Applicant's arguments on page 17 of the Office Action dated December 3, 2009, which relates to the limitations of *"said groups being obtained by slicing said encoded multimedia contents in at least one slicing positions forming slices that can be decoded independently of each other"* recited in the independent claim 1 was discussed. In addition, teachings in Applicant's specification were also discussed. In response, Applicant has amended claims 1, 5, 8, 11, and 16-20 and filed herewith a Request for Continued Examination (RCE). Applicant hereby requests reconsideration of the application in view of the claim amendments, the RCE and the below-provided remarks.

Claim Rejections under 35 U.S.C. 102

Claims 1-3 and 5-20 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Kalra et al. (U.S. Pat. No. 6,490,627, hereinafter "Kalra"). As described above, claims 1, 5, 8, 11, and 16-20 have been amended. Applicant respectfully submits that the pending claims are not anticipated by Kalra for the reasons provided below.

Independent Claim 1

Claim 1 has been amended to recite *"said groups being obtained by slicing said encoded multimedia contents in multiple sets of slicing positions forming slices that can be decoded independently of each other, each set of the slicing positions being shifted in time compared with other sets of the slicing positions."* Support for the amendment to claim 1 is found in Applicant's specification at, for example, Fig. 2 and page 6, lines 3-11. Applicant respectfully asserts that Kalra fails to disclose the above-identified limitation of amended claim 1. Because Kalra fails to disclose all of the limitations of amended claim 1, Applicant respectfully asserts that amended claim 1 is not anticipated by Kalra.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131.

Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive server. (See Fig. 7B and column 6, lines 37-53 of Kalra). Kalra further discloses that the information corresponding to a second slice is stored in the memory of the adaptive server after the information corresponding to the first slice is stored in the memory of the adaptive server. (See column 6, lines 37-53 of Kalra). However, Applicant respectfully asserts that Kalra fails to disclose "*said groups being obtained by slicing said encoded multimedia contents in multiple sets of slicing positions forming slices that can be decoded independently of each other, each set of the slicing positions being shifted in time compared with other sets of the slicing positions,*" as recited in amended claim 1. Thus, Applicant respectfully asserts that Kalra fails to disclose all of the limitations of amended claim 1. As a result, Applicant respectfully asserts that amended claim 1 is not anticipated by Kalra.

Dependent Claims 2, 3, 12-14 and 16-20

Claims 16-20 have been amended. Support for the amendment to claim 16 is found in Applicant's specification at, for example, page 6, lines 20-26. Support for the amendment to claims 17 and 18 is found in Applicant's specification at, for example, page 5, lines 22-33. Support for the amendment to claim 19 is found in Applicant's specification at, for example, page 9, lines 6-14. Support for the amendment to claim 20 is found in Applicant's specification at, for example, page 9, lines 20-25.

Claims 2, 3, 12-14 and 16-20 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicant respectfully asserts that claims 2, 3, 12-14 and 16-20 are allowable at least based on an allowable claim 1. Additionally, Applicant respectfully asserts that claims 12-14 and 16-20 may be allowable for further reasons, as described below.

Claim 12

Applicant respectfully asserts that Kalra fails to disclose that "*the step of selecting a slice comprises selecting a most recent slice or a closest future slice to ensure continuity in transmitted multimedia content*" (emphasis added), as recited in claim 12. As described above, Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive server. Additionally, Kalra discloses that sequence header information (52), group start codes (54), group start header information (56), and picture header information (58) are within a base stream ($\sum 0$) and additive adaptive streams ($\sum 1 - \sum 7$). (See Figs. 7A and 7B, and column 6, lines 26-65 of Kalra). However, Karla is silent as to selecting a most recent slice or a closest future slice from the slices stored in the memory of the adaptive server. Thus, Applicant respectfully asserts that Kalra fails to disclose that "*the step of selecting a slice comprises selecting a most recent slice or a closest future slice to ensure continuity in transmitted multimedia content*" (emphasis added), as recited in claim 12. As a result, Applicant respectfully asserts that claim 12 is not anticipated by Kalra.

Claims 13 and 14

Applicant respectfully asserts that Kalra fails to disclose that "*selecting the most recent slice or the closest future slice comprises: comparing the time of arrival of the request of said client device with slicing positions of a single set of slices; and determining the most recent slice and/or the closest future slice from the single set of slices based on the comparing*" (emphasis added), as recited in claim 13. Additionally, Applicant respectfully asserts that Kalra fails to disclose that "*selecting the most recent slice or the closest future slice comprises: comparing the time of arrival of the request of said client device with slicing positions of more than one set of slices; and determining the most recent slice and/or the closest future slice from the more than one set of slices based on the comparing*" (emphasis added), as recited in claim 14.

Kalra discloses determining a CPU constraint and setting video preference. (See Fig. 16A, step 602A and step 602B, and column 15, line 57-column 16, line 29 of Kalra). However, Applicant respectfully asserts that Kalra is silent as to comparing the time of

arrival of a request for media content with slicing positions of slices stored in the memory of the adaptive server. Thus, Applicant respectfully asserts that Kalra fails to disclose the above-identified limitations of claims 13 and 14. As a result, Applicant respectfully asserts that claims 13 and 14 are not anticipated by Kalra.

Claims 16, 19 and 20

Claim 16 recites that "*file names of the at least one set of files are re-used on a regular basis.*" Claim 19 recites that "*two different files correspond to a same multimedia content.*" Claim 20 recites "*switching from one group associated with first encoder characteristics to another group associated with second encoder characteristics to allow adaptation to a current transmission rate of the distribution network and/or to client preferences received from the client device.*" Applicant respectfully asserts that Kalra fails to disclose the above-identified limitations of amended claims 16, 19 and 20. Because Kalra fails to disclose all of the limitations of amended claims 16, 19 and 20, Applicant respectfully asserts that amended claims 16, 19 and 20 are not anticipated by Kalra.

Claims 17 and 18

Claim 17 recites that "*each of the slices includes multiple frames*" (emphasis added). Claim 18 recites "*a step of choosing the slicing positions such that each of the slices starts with a random access point, wherein the random access points are I-frames of the multimedia content such that the first frame of each of the slices is an I-frame*" (emphasis added). Applicant respectfully asserts that Kalra fails to disclose the above-identified limitations of amended claims 17 and 18.

Kalra discloses that an I picture, a P picture or a B picture is partitioned into multiple slices that are illustrated as slices (28-1, 28-2, 28-3, 28-4 . . . 28-n). (See Fig. 4 and column 5, lines 4-23 of Kalra). Because an I picture, a P picture or a B picture is partitioned into multiple slices, the size of each of the slices in Kalra is smaller than the size of one picture. Because the size of each of the slices in Kalra is smaller than the size of one picture, each of the slices in Kalra cannot include multiple pictures. Thus,

Applicant respectfully asserts that Kalra fails to disclose that *"each of the slices includes multiple frames"* (emphasis added), as recited in amended claim 17.

Additionally, because the size of each of the slices in Kalra is smaller than the size of one picture, each of the slices in Kalra cannot include an I picture, a P picture or a B picture. Furthermore, because Kalra discloses that an I picture, a P picture or a B picture is partitioned into multiple slices, each of the slices in Kalra is not always partitioned from an I picture. Thus, Applicant respectfully asserts that Kalra fails to disclose *"a step of choosing the slicing positions such that each of the slices starts with a random access point, wherein the random access points are I-frames of the multimedia content such that the first frame of each of the slices is an I-frame"* (emphasis added), as recited in amended claim 18.

Independent Claim 5

Claim 5 has been amended in a similar fashion to claim 1. Support for the amendment to claim 5 is found in Applicant's specification at, for example, Fig. 2 and page 6, lines 3-11. Because of the similarities between amended claim 1 and amended claim 5, Applicant respectfully asserts that the remarks provided above with regard to amended claim 1 apply also to amended claim 5. Accordingly, Applicant respectfully asserts that amended claim 5 is not anticipated by Kalra.

Dependent Claims 6, 7 and 15

Claims 6, 7 and 15 depend from and incorporate all of the limitations of independent claim 5. Thus, Applicant respectfully asserts that claims 6, 7 and 15 are allowable at least based on an allowable claim 5. Claim 15 includes a similar limitation to claim 12. Because of the similarity between claim 12 and claim 15, Applicant respectfully asserts that the remarks provided above with regard to claim 12 apply also to claim 15. Accordingly, Applicant respectfully asserts that claim 15 is not anticipated by Kalra.

Independent Claim 8

Claim 8 has been amended in a similar fashion to claim 1. Support for the amendment to claim 8 is found in Applicant's specification at, for example, Fig. 2 and page 6, lines 3-11. Because of the similarities between amended claim 1 and amended claim 8, Applicant respectfully asserts that the remarks provided above with regard to amended claim 1 apply also to amended claim 8. Accordingly, Applicant respectfully asserts that amended claim 8 is not anticipated by Kalra.

Dependent Claims 9 and 10

Claims 9 and 10 depend from and incorporate all of the limitations of independent claim 8. Thus, Applicant respectfully asserts that claims 9 and 10 are allowable at least based on an allowable claim 8.

Independent Claim 11

Claim 11 has been amended in a similar fashion to claim 1. Support for the amendment to claim 11 is found in Applicant's specification at, for example, Fig. 2 and page 6, lines 3-11. Because of the similarities between amended claim 1 and amended claim 11, Applicant respectfully asserts that the remarks provided above with regard to amended claim 1 apply also to amended claim 11. Accordingly, Applicant respectfully asserts that amended claim 11 is not anticipated by Kalra.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Philippe Gentric

Date: March 3, 2010

By: /thomas h. ham/
     Thomas H. Ham
     Reg. No. 43,654

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111